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Applicant: ANIMESH MISHRA ET AL.

§ Group Art Unit: 2682

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Serial No.: 09/216,483

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Filed: December 18, 1998

§ Examiner: N. Mehrpour

For: REMOTELY CONTROLLING
ELECTRONIC DEVICES

§ Atty. Dkt. No.: INTL-0138-US (P6506)

Board of Patent Appeals & Interferences
Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL APPEAL BRIEF

Sir:

In response to the Appellants' Brief, the Examiner has amended the rejection of claim 7 to, for the first time, apply the Welty reference. As pointed out in the Appellants' Brief, the Welty reference was not applied against claim 7 in any of the preceding rejections.

Presumably, upon reviewing the matter, the Examiner appreciated the weakness of the initial final rejection. Nonetheless, the revised final rejection is no better for at least the following reasons. Firstly, the Examiner has made no attempt whatsoever to indicate the required rationale to combine in either of the cited references. Secondly, Welty fails to supply the deficiencies of the cited Yeom reference.

Claim 7 calls for a remote control unit including a device to remotely control an electronic device and a telephone unit to enable remote communication with a telephone network. The telephone unit includes a detector to detect a carrier frequency of a proximate wireless telephone, the telephone unit being tunable to automatically tune to the carrier

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Sherry Tipton

frequency of the proximate wireless telephone. In the revised final rejection, the Examiner now asserts that Welty teaches the claimed telephone unit.

The amended rejection makes no effort whatsoever to even attempt to posit a rationale to combine from within the references. Therefore, a *prima facie* rejection is not made out on its face. This reason alone is sufficient to overturn the Examiners' rejection.

Moreover, the Welty reference is inapplicable to the claimed invention in any case. Welty teaches use of a computer means that is provided with "some type of input means" for receiving and storing a code format of each piece of electrically operable equipment. This suggests nothing about detecting "a carrier frequency of a proximate wireless telephone" or a telephone unit "being tunable to automatically tune to the carrier frequency of a proximate wireless telephone". Welty simply teaches a system that interacts with certain existing signals. The claimed invention relates to a wireless device that can detect a carrier frequency and adapt to that carrier frequency so that it can operate as if it were specifically adapted to a system using that carrier frequency. Welty has nothing to do with a wireless system and has nothing to do with adapting to a carrier frequency of a wireless telephone.

Therefore, the combination of Welty plus Yeom is insufficient to support the rejection of claim 7.

It is believed that no other modifications to the final rejection were made in the post appeal brief supplementation from the Examiner. Therefore, the entire original appeal brief is incorporated by reference herein. All previously raised issues and/or arguments are still considered to be relevant.

Therefore, the Appellants' request that the rejections be overturned and that the application be allowed to issue.

Respectfully submitted,

Date: 10/19/05


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